

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEOCADIA RODRIGUEZ,	:	
	:	
Plaintiff,	:	
	:	22-CV-1909 (VSB)
-against-	:	
	:	<u>ORDER</u>
EDISON RESTARUANT, LUIS ROBERTO	:	
MEDINA, and MALALO MEDINA a/k/k	:	
ZUNILDA NUÑEZ,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On November 3, 2022, Lauriano Guzman filed a motion to withdraw as counsel for Defendants, citing “irreconcilable differences.” (Doc. 24.) I endorsed Mr. Guzman’s motion and ordered the Defendants to retain new counsel or contact the *pro se* office by December 5, 2022. (Doc. 26.) On December 8, 2022, having heard nothing from Defendants, I ordered Plaintiff to file a letter describing the status of discovery, any attempted or actual contact with the Defendants since filing the case management plan, and whether they are aware of any additional addresses for Defendants other than those that Mr. Guzman served. (Doc. 28.) However, Plaintiff failed to comply with my December 8, 2022 Order, so I issued the same instructions again on January 3, 2023, warning that failure to comply would result in dismissal of the action. (Doc. 29.) On January 4, 2023, Plaintiff filed a status letter indicating that they had not heard from Defendants and had no additional contact information for them. (Doc. 30.) I directed Plaintiff to file for default judgment in accordance with my Individual Rules & Practices in Civil Cases, (Doc. 31), but Plaintiff asked for a one-month extension, (Doc. 32). Plaintiff filed

for default judgment against Defendants and obtained the required Clerk's Certificate of Default on January 19, 2023, (Docs. 40, 41, 42). On March 8, 2023, Defendant Luiz Medina filed a letter through the *pro se* office indicating that his former counsel stated that he retired, and Mr. Medina was not informed of the status of the case until receiving the default judgment documents via FedEx on March 2, 2023. (Doc. 58). I ordered Mr. Guzman to file an ex-parte letter responding to the claims made by Mr. Medina and providing clarification surrounding the circumstances of his departure, (Doc. 59), which he did so on March 13, 2023, (Doc. 60). On March 23, 2023, this case was referred for mediation to the Court's mediation program and the Clerk of Court was directed to attempt to locate pro bono counsel for mediation. (Doc. 62.) On April 3, 2023, Mr. Michael Samuel filed an appearance as *pro bono* counsel for Defendants for the limited purpose of mediation. (Doc. 63.) Accordingly, it is hereby

ORDERED that by May 1, 2023, Plaintiff file any objection to a stay in this matter pending the conclusion of the parties' mediation discussions in the Court's mediation program.

The Clerk of Court is respectfully directed to close the open motion at docket entry 60.

SO ORDERED.

Dated: April 25, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font.

Vernon S. Broderick
United States District Judge